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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA  
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8 ABELL DIEUDONNE,

9 Petitioner,

2:13-cv-01395-GMN-CWH

10 vs.

**ORDER**

11 WARDEN NEVEN, *et al.*,

12 Respondents.  
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15 On May 9, 2016, in this habeas corpus case brought pro se by Nevada prisoner Abell  
16 Dieudonne, the Court denied Dieudonne habeas corpus relief and denied him a certificate of  
17 appealability (ECF No. 40), and judgment was entered (ECF No. 41).

18 On May 20, 2016, Dieudonne filed a motion (ECF No. 42), requesting an extension of time  
19 to file a notice of appeal. Respondents filed an opposition to that motion on May 23, 2016 (ECF  
20 No. 43).

21 A notice of appeal from a district court's judgment denying a habeas petition must be filed  
22 within 30 days after the date of the judgment. Fed.R.App.P. 4(a)(1); *Malone v. Avenenti*, 850 F.2d  
23 569, 571 (9th Cir. 1988). Under Federal Rule of Appellate Procedure 4(a)(5), the appellant may  
24 obtain an extension of the time to file a notice of appeal upon a showing of good cause or excusable  
25 neglect. *See* Fed.R.App.P. 4(a)(5). Such a motion must be filed no later than 30 days after the  
26 expiration of the original deadline for the notice of appeal. *See id.*

1 In this case, Dieudonne's motion for extension of the time for his notice of appeal is plainly  
2 timely; it was filed only 11 days after the judgment was entered, and, therefore, within the initial  
3 30-day time period for his notice of appeal.

4 The advisory committee notes regarding Federal Rule of Appellate Procedure 4(a)(5) make  
5 clear that the "good cause" standard is applicable to motions for extension of time filed within the  
6 initial thirty-day period for filing a notice of appeal. *See* Fed. R.App. P. 4(a)(5), Advisory  
7 Committee's Notes to 1979 Amendment. Dieudonne points out that he is a prisoner litigating this  
8 action pro se, and he requests the extension of time so that he may research what options are  
9 available to him. The Court finds that Dieudonne shows good cause for the extension of time he  
10 requests.

11 **IT IS THEREFORE ORDERED** that petitioner's Motion for Extension of Time (ECF No.  
12 42) is **GRANTED**. The time for petitioner to file a notice of appeal from the judgment in this action  
13 is extended by 30 days, to **July 8, 2016**.

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15 Dated this 10th day of June, 2016.

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18 UNITED STATES DISTRICT JUDGE  
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